

facias to have execution, and therein set forth the nature of his judgment, and specify the particular limits of the inferior jurisdiction, and pray execution only within those limits. If, however, it be removed by writ of error, and is affirmed, it is otherwise, because, * by the affirmance it becomes a judgment of the Court of King's Bench; and, as such, an execution may be had thereon co-extensively with the jurisdiction of that Court. *Guilliam v. Hardy*, 1 *Ld. Raym.* 216; *Cowperthwaite v. Owen*, 3 *T. R.* 657; 2 *Harris' Entr.* 766. **663**

But there are cases in which the judgment of an inferior Court may be removed into one of the superior Courts for the express purpose of enabling the plaintiff, by a more general execution, to reach the property of the defendant lying beyond the limited jurisdiction of the Court in which his judgment was obtained. So that although the land of the defendant, lying beyond those limits, could not be taken in execution by any writ issuing directly from such inferior Court in which the judgment was rendered; yet as there is a settled and established course by which it may be made liable, the lien fastens immediately, as a necessary consequence of that liability, without regard to the circuitous course whereby alone such liability may be made effectual.

In the case of a statute merchant, statute staple, or recognizance, which, in England, have obtained the name of pocket judgments, if the conusor be out of the jurisdiction of the mayor, or cannot be found within the staple, or has no property within those limited jurisdictions, the statute or recognizance may be certified and sent under seal into Chancery, whence execution may be issued against the lands and tenements, goods and chattels of the conusor returnable to the King's Bench, or Common Pleas. And, therefore, in all such cases, the lien fastens from the date of such a pocket judgment; although the mode of making it effectual can only be by removing it from the local tribunal before which it was rendered, and sending it into one of the superior Courts, there to obtain an execution to be returned into another of them. *F. N. B.* 246; 2 *Inst.* 23; *Bac. Abr. tit. Execution, B. I. 2*; *Holt v. Murray*, 2 *Cond. Chan. Rep.* 243; 19 *Geo. 3, c. 70, s. 4*, (1779); 1835, ch. 201, s. 10, 11 and 12.

It is obvious, that it could not fail to be attended with very great inconvenience, in most cases, to every one to be sued abroad, or at a distance from his place of residence; and especially where the civil process by which he may be called upon to answer, authorizes an arrest and detention of his person. To subject any one to such a course of judicial procedure within any jurisdiction where he does not reside, places it in the power of malice to have him imprisoned far away from his home, his friends * and resources; and affords the means of practising much fraud and oppression. To prevent which, and for the facil- **664**